

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 3/12/2025

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Chris Bickham
COURTROOM DEPUTY: Keary Conrad

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| Gibson Brands, Inc., a Delaware corporation | 4:19CV358 |
| v. | |
| Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC | |
| Does 1 through 10 | |

| ATTORNEYS FOR PLAINTIFF | ATTORNEYS FOR DEFENDANT |
|---|---|
| Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Elizabeth Andujar IT: Keith Slyter | Jerry Selinger, Craig Depew, Kyrie Cameron, Austin Gray, Ron, Bienstock, Zack Klein IT: Mitch Mahon |

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

| TIME: | MINUTES: Jury Trial - Day 4 |
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| 8:51 a.m. | Court in session. Court notes appearances. |
| | <p>Court takes up Gibson's objections to the deposition designations of Evan Robinson's 30(b)(6) deposition to be played. Court hears from Plaintiff's Counsel, Stephen Howen objection as to hearsay. The Court rules as follows:</p> <p>pg. 212 line 5505 - 5512 - sustained as to hearsay</p> <p>5811 - 5816 sustained as to hearsay</p> <p>5907 - 5913 - sustained as to hearsay</p> <p>5914 - 5919 sustained as to hearsay</p> <p>5920 - 5925 - sustained as to hearsay</p> <p>6009 - overruled</p> <p>6016-6019 - sustained as to hearsay</p> <p>8824 - 8909 - overruled</p> <p>9808-9010 - sustained as to hearsay</p> <p>9102 - 9107 - overruled</p> <p>9108 - 9111 - overrule up to the point "is a dealer..." The rest is hearsay through 9116.</p> <p>9318-9324 - overruled</p> <p>9413 - 9611 - overruled</p> <p>9612 - overruled</p> |

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| | 9613 - 9717 overruled 9819 - 9904 - overruled 11320 - 11402 - overruled 11403 - 11412 -sustained as to hearsay Court hears argument from Defendant's Counsel, Jerry Selinger regarding sustained objections. |
| 9:03 a.m. | Court instructs Plaintiff's counsel before it closes to read to the jury the stipulation on damages. Parties discuss jury charge regarding the stipulation. |
| 9:03 a.m. | Defendant's counsel, Jerry Selinger inquires regarding 50(a) motions. |
| 9:08 a.m. | Witness Mike Rock is reminded he is still under oath. Defendant's counsel, Craig Depew continues cross examination of Mike Rock. |
| 9:09 a.m. | Counsel Depew advises that the parties have agreed to the admission of Defendant's Exhibit 1375. Counsel Depew refers witness to Defendant's Exhibit 777. |
| 9:12 a.m. | Counsel Depew refers witness to Defendant's Exhibits 889, 1381, 1365, 1367, 1368, 1376, 0904, 0576, 1362, 931. |
| 9:19 a.m. | Counsel Depew offers Defendant's demonstrative 5009. |
| 9:23 a.m. | Counsel Kurt Schuettinger begins redirect examination of Mike Rock. |
| 9:26 a.m. | Counsel Schuettinger refers witness to Defendant's Exhibit 250. |
| 9:27 a.m. | Counsel Schuettinger refers witness to Defendant's Exhibit 431. |
| 9:32 a.m. | Counsel Schuettinger refers witness to Plaintiff Exhibit 361-1, 362-1. . |
| 9:36 a.m. | Court polls the jury for questions of the witness. Bench conference. Court does not ask question of the witness. |
| 9:37 a.m. | Witness excused. |
| 9:37 a.m. | Plaintiff's counsel, Stephen Howen calls Dr. Eugene Erickson by video deposition. |
| 9:54 a.m. | Defendant bench conference. |
| 9:55 a.m. | Video deposition of Dr. Eugene Erickson continues. |
| 10:31 a.m. | Jury excused. |
| 10:32 a.m. | Defendant's counsel, Jerry Selinger advises the Court regarding a designation made by defense; the parties have agreed Defendant's counsel can play either before Plaintiff rests or in case in chief. Parties will work together on when that happens. |

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| 10:34 a.m. | Court recess for 15 minutes. |
| 10:48 a.m. | Court re-convened. Jury seated. |
| 10:50 a.m. | Plaintiff's counsel, Howen continues video deposition of Dr. Eugene Ericksen. |
| 11:07 a.m. | Court advises jury of the reading of the deposition of Dean Zalinsky and explains the process to the jury. |
| 11:08 a.m. | Plaintiff's counsel, Elizabeth Andujar presents testimony of Dean Zalinsky (counsel Craig Depew reading as Dean Zalinsky). |
| 11:45 a.m. | Plaintiff's counsel, Elizabeth Andujar refers witness to Plaintiff's Exhibit 683. No objection. Plaintiff Exhibit 683 is admitted. |
| 11:53 a.m. | Defendant's counsel, Kyrie Cameron begins presenting testimony of Zalinsky (counsel Craig Depew reading as Dean Zalinsky). Defendant's counsel, Kyrie Cameron refers witness to Defendant's Exhibit 303 (deposition exhibit 1). |
| 11:55 a.m. | Defendant's counsel, Kyrie Cameron refers witness to Defendant's Exhibit 304 (deposition exhibit 2). |
| 11:56 a.m. | Defendant's counsel, Kyrie Cameron refers witness to Defendant's Exhibit 305 (deposition exhibit 3). |
| 12:10 p.m. | Jury excused for lunch. |
| 12:11 p.m. | Court hears from Plaintiff's counsel, Stephen Howen indicates that they will be moving for the admission of Plaintiff Exhibits 858-861 (certified records) at the conclusion of their presentation of evidence. |
| 12:13 p.m. | Court hears objection from Defendant's counsel, Jerry Selinger. |
| 12:14 p.m. | Counsel Howen advises the Court that the last witness will refer to this evidence. Court takes matter under advisement. Court hears further argument from Defendant's counsel, Craig Depew objecting to the powerpoint. Court hears response from Counsel Howen. |
| 12:18 p.m. | Court recess. Court will re-convene at 1:15 p.m. |
| 1:20 p.m. | Court re-convened. Jury seated. |
| 1:20 p.m. | Plaintiff's counsel, Elizabeth Andjuar continues testimony of Dean Zalinsky (counsel Craig Depew reading as Dean Zalinsky). |

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| 1:47 p.m. | Plaintiff's counsel, Elizabeth Andujar advises that the correlation between deposition exhibits and trial exhibits as follows: deposition exhibit b - trial exhibit 391 deposition exhibit c - trial exhibit 679 deposition exhibit i - trial exhibit 683 deposition exhibit 4 - trial exhibit 419 |
| 1:48 p.m. | Defendant's counsel, Kryei Cameron advises that the correlation between deposition exhibits and trial exhibit as follows: deposition exhibit 1 - trial exhibit 0303 deposition exhibit 2 -trial exhibit 0304 deposition exhibit 3 - trial exhibit 0305 |
| 1:48 p.m. | Plaintiff's counsel, Stephen Howen moves for the admission of Plaintiff Exhibits 858 - 861. |
| 1:48 p.m. | Plaintiff bench conference. |
| 1:49 p.m. | Court overrules objections and admits Plaintiff Exhibits 858-861. |
| 1:50 p.m. | Plaintiff's counsel, Stephen Howen calls Evan Robinson by video deposition. |
| 2:28 p.m. | Plaintiff's counsel, Stephen Howen notes deposition exhibit versus trial exhibit numbers as follows: deposition exhibit n - trial exhibit 55 deposition exhibit kk - trial exhibit 705 deposition exhibit ll - trial exhibit 706 deposition exhibit nn - trial exhibit 707 deposition exhibit oo - trial exhibit 709 deposition exhibit pp - trial exhibit 710 deposition exhibit q - trial exhibit 713 No objection. Plaintiff exhibits 55, 705, 706, 707, 709, 710, 713 are admitted. |
| 2:29 p.m. | Plaintiff's counsel, Stephen Howen announces video deposition of Evan Robinson on behalf of Concordia. |
| 2:36 p.m. | Defendant's counsel, Jerry Selinger plays rebuttal video of Dr. Ericksen. |
| 2:38 p.m. | Plaintiff's counsel, Stephen Howen calls Cesar Gueikan. Witness placed under oath. Plaintiff's counsel, Andrea Bates begins direct examination of Cesar Gueikan. |
| 2:46 p.m. | Plaintiff's counsel, Andrea Bates hands witness Plaintiff Exhibit 876-1. |
| 2:50 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 859. |
| | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 861. |

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| 2:55 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 858. |
| 3:06 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 790. |
| 3:07 p.m. | Jury excused. Court recess. |
| 3:26 p.m. | Court re-convened. Jury seated. Court advises jury that Court will adjourn at 4:15 p.m. today to allow jurors to get home. |
| 3:27 p.m. | Plaintiff's counsel, Andrea Bates continues direct examination of witness Cesar Gueikan. |
| 3:38 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 753. |
| 3:45 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 66. |
| 3:48 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 100. |
| 3:50 p.m. | Plaintiff's counsel, Andrea Bates refers witness to Plaintiff Exhibit 367. |
| 3:55 p.m. | Bench conference regarding timing. |
| 3:56 p.m. | Jury excused. |
| 3:57 p.m. | Court recess. |
| | Plaintiff Remaining: 10:50:00 Defendant Remaining: 20:01:39 Plaintiff Exhibits: 362-1, 683, 391, 679, 683, 419, 858, 859, 860, 861, 55, 705, 706, 707, 709, 710, 713, 876-1, 790, 753. 66. 100, 367, Defendant Exhibits: 303, 304, 305, 889, 1375, 777, 1381, 1365, 1367, 1376, 1368, 0904, 0576, 1362, 931, Defendant Demonstrative: 5009 |

DAVID O'TOOLE, CLERK

BY: Keary Conrad
Courtroom Deputy Clerk